

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>09-263</u>
v.	:	DATE FILED: <u>April 21, 2009</u>
LEON BOOKER,	:	VIOLATIONS:
a/k/a "Pep"	:	18 U.S.C. § 922(a)(1)(A) (dealing in
	:	firearms without a license - 1 count)
	:	18 U.S.C. § 922(j) (trafficking in stolen
	:	firearms - 3 counts)
	:	18 U.S.C. § 922(o) (possessing a machine
	:	gun - 3 counts)
	:	18 U.S.C. § 922(g)(1) (possession of a
	:	firearm by a convicted felon - 3 counts)
		Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

Introduction

A. The Theft of Firearms from an Federal Firearms Licensee

1. On or about December 21, 2008, a federally licensed dealer in firearms (FFL) known to the grand jury, operating at a gun show at the Valley Forge Convention Center in King of Prussia, Pennsylvania, reported that 26 firearms, including machine guns, had been stolen, along with other property.

2. Among the firearms stolen from the FFL were the following:
- a. International Armament, 1950 Madsen Fully Automatic 9 millimeter Machine Gun, serial number 56043;
 - b. International Armament, 1950 Madsen, Fully Automatic 9 millimeter Machine gun, serial number 56049.

- c. Hungarian, PKM Fully Automatic 7.62x54 caliber Machine Gun, serial number BE500;
- d. Telko, Model AR-10, 7.62x51 millimeter, semi-automatic rifle, serial number XM6400;
- e. Colt, Model M16A1, 5.56 caliber Fully Automatic Machine gun, serial number 9584202;
- f. Armalite, AR10, 7.62x51 millimeter, Fully Automatic Machine Gun, serial number 003100; and

3. On or about January 8, 2009, defendant LEON BOOKER told a person known to the grand jury ("Person # 1") that he had purchased the "lot" of guns from the gun show for \$8,000. Defendant BOOKER also told Person # 1 that he was offering all of the stolen firearms, which included silencers, for sale.

4. On three separate occasions, defendant LEON BOOKER sold the stolen firearms, two at a time, to Person # 1 and to an undercover agent.

B. Defendant LEON BOOKER's Illegal Sales of Firearms

The First Transaction--January 9, 2009

On or about January 9, 2009:

5. Defendant LEON BOOKER drove to a club in Philadelphia (the club) to sell two stolen firearms that were secreted in BOOKER'S truck to Person # 1: (a) an International Armament Madsen Arms 9mm machine gun, Model 1950, serial number 56043, and (b) an International Armament Madsen Arms 9mm machine gun, Model 1950, serial number 56049.

6. Defendant LEON BOOKER went inside the club, met with Person # 1, and agreed to sell Person # 1 the two firearms listed in paragraph # 5, in exchange for payment of \$6,500. Later that evening, the firearms were transferred to Person # 1.

7. Later the same night, defendant LEON BOOKER and Person # 2 known to the grand jury met with Person # 1 inside the club. In the presence of Person # 2, Person # 1 paid defendant BOOKER \$6,500 for the two firearms defendant BOOKER had sold to him that night.

8. While still inside the club, defendant BOOKER and Person # 2 stated that they had additional guns for sale.

The Second Transaction--January 12-13, 2009

On or about January 12, 2009:

9. Three days later, defendant LEON BOOKER told Person # 1 that he, defendant BOOKER, might drop off two more firearms to Person # 1.

10. Defendant LEON BOOKER drove to Person # 1's business location and gave Person # 1 the following two firearms: (a) a fully automatic Hungarian 7.62 caliber machine gun, Model PKM, serial number BE500; and (b) a semi automatic Telko Rifle, 7.62x51 millimeter, Model AR10, serial number XM6400. Defendant BOOKER agreed to be paid in cash at a later time.

11. On January 13, 2009, defendant LEON BOOKER met with Person # 1 at a location in Philadelphia and was paid approximately \$6,000 by Person # 1 for the two firearms listed in paragraph 10, which BOOKER had delivered to Person # 1 the day before. At that meeting, defendant LEON BOOKER again discussed selling an additional firearm, although no concrete arrangements were made.

The Third Transaction--January 26, 2009-February 3, 2009

On or about January 26, 2009:

12. During a telephone conversation between defendant LEON BOOKER and

with Person # 1, defendant BOOKER agreed to meet with Person # 1 and a pawnbroker.

Defendant BOOKER told Person # 1 that he wanted to meet when it got dark outside because the firearms he wanted to sell the pawnbroker were so “ugly, I don't want nobody to see them.”

13. Defendant LEON BOOKER drove to the club in a Chevrolet Trailblazer in which he had secreted two stolen machine guns, with attached price tags, inside a rifle bag including: (a) a Colt M-16 model A-1, 5.56 caliber, serial number 9584202; and (b) an Armalite model AR-10, 7.62x51 millimeter, serial number 003100.

14. Defendant LEON BOOKER met with Person # 1 and an undercover ATF special agent posing as a pawnbroker in the parking lot of the club. Defendant BOOKER told them that he wanted to sell two firearms that were “fully automatic” for a minimum of \$8,500. The undercover agent paid defendant BOOKER \$1,000 cash as a deposit on the two firearms.

15. On or about January 30, 2009, defendant LEON BOOKER met with the undercover agent, who was still posing as a pawnbroker, in a parking lot in Philadelphia to pay an additional \$1,500 for the two firearms that defendant BOOKER had delivered to him on or about January 26, 2009.

16. On or about February 3, 2009, defendant LEON BOOKER met again with the undercover agent in Philadelphia, where he was paid \$4,200 in cash, which was the remainder of the negotiated price for the two stolen machine guns defendant BOOKER delivered to the undercover agent. During the meeting, defendant BOOKER also discussed selling additional stolen firearms.

Willfully Engaging in the Business of Dealing in Firearms

17. From on or about January 9, 2009 until on or about February 3, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**LEON BOOKER,
a/k/a “Pep,”**

willfully engaged in the business of dealing in firearms without being licensed to do so under the provisions of Chapter 44, Title 18, United States Code.

All in violation of Title 18, United States Code, Sections 922(a)(1)(A) and 924(a)(1)(D).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 9, 2009, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

**LEON BOOKER,
a/k/a “Pep,”**

knowingly possessed and sold a stolen firearm, that is:

1. an International Armament, 1950 Madsen Fully Automatic 9 millimeter
Machine Gun, serial number 56043; and
2. an International Armament, 1950 Madsen Fully Automatic 9 millimeter
Machine Gun, serial number 56049;

which had been shipped and transported in interstate and foreign commerce before it was stolen,
knowing and having reasonable cause to believe the firearm was stolen.

In violation of Title 18, United States Code, Section 922(j).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 9, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**LEON BOOKER,
a/k/a “Pep,”**

knowingly possessed a machine gun, as defined by Title 18, United States Code, Section 921(a)(23), and Title 26, United States Code, Section 5845(b), that is:

1. an International Armament, 1950 Madsen Fully Automatic 9 millimeter Machine Gun, serial number 56043; and
2. an International Armament, 1950 Madsen Fully Automatic 9 millimeter Machine Gun, serial number 56049.

In violation of Title 18, United States Code, Section 922(o).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 9, 2009, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

**LEON BOOKER,
a/k/a “Pep,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is:

1. an International Armament, 1950 Madsen Fully Automatic 9 millimeter Machine Gun, serial number 56043; and
2. an International Armament, 1950 Madsen Fully Automatic 9 millimeter Machine Gun, serial number 56049.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 12, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**LEON BOOKER,
a/k/a “Pep,”**

knowingly possessed and sold a stolen firearm, that is:

1. Hungarian, PKM Fully Automatic 7.62x54 caliber Machine Gun, serial number BE500; and
2. Telko, Model AR-10, 7.62x51 millimeter, semi-automatic rifle, serial number XM6400;

which had been shipped and transported in interstate and foreign commerce before it was stolen, knowing and having reasonable cause to believe the firearm was stolen.

In violation of Title 18, United States Code, Section 922(j).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 12, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

LEON BOOKER
a/k/a “Pep,”

knowingly possessed a machine gun, as defined by Title 18, United States Code, Section 921(a)(23), and Title 26, United States Code, Section 5845(b), that is, a Hungarian, PKM Fully Automatic 7.62x54 caliber Machine Gun, serial number BE500.

In violation of Title 18, United States Code, Section 922(o).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 12, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**LEON BOOKER,
a/k/a “Pep,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is:

1. Hungarian, PKM Fully Automatic 7.62x54 caliber Machine Gun, serial number BE500; and
2. Telko, Model AR-10, 7.62x51 millimeter, semi-automatic rifle, serial number XM6400.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 26, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**LEON BOOKER,
a/k/a “Pep,”**

knowingly possessed and sold a stolen firearm, that is:

1. Colt, Model M16A1, 5.56 caliber Fully Automatic Machine gun, serial number 9584202; and
2. Armalite, AR10, 7.62x51 millimeter, Fully Automatic Machine Gun, serial number 003100;

which had been shipped and transported in interstate and foreign commerce before it was stolen, knowing and having reasonable cause to believe the firearm was stolen.

In violation of Title 18, United States Code, Section 922(j).

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 26, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**LEON BOOKER,
a/k/a “Pep,”**

knowingly possessed a machine gun, as defined by Title 18, United States Code, Section 921(a)(23), and Title 26, United States Code, Section 5845(b), that is:

1. Colt, Model M16A1, 5.56 caliber Fully Automatic Machine gun, serial number 9584202; and
2. Armalite, AR10, 7.62x51 millimeter, Fully Automatic Machine Gun, serial number 003100.

In violation of Title 18, United States Code, Section 922(o).

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 26, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**LEON BOOKER,
a/k/a “Pep,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is:

1. Colt, Model M16A1, 5.56 caliber Fully Automatic Machine gun, serial number 9584202; and
2. Armalite, AR10, 7.62x51 millimeter, Fully Automatic Machine Gun, serial number 003100.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 922(j), (o) and (g)(1), set forth in this indictment, defendant

**LEON BOOKER,
a/k/a “Pep,”**

shall forfeit to the United States of America the firearms involved in the commission of such offenses, including, but not limited to:

1. International Armament, 1950 Madsen Fully Automatic 9 millimeter Machine Gun, serial number 56043;
2. International Armament, 1950 Madsen, Fully Automatic 9 millimeter Machine gun, serial number 56049;
3. Hungarian, PKM Fully Automatic 7.62x54 caliber Machine Gun, serial number BE500;
4. Telko, Model AR-10, 7.62x51 millimeter, semi-automatic rifle, serial number XM6400;
5. Colt, Model M16A1, 5.56 caliber Fully Automatic Machine gun, serial number 9584202;
6. Armalite, AR10, 7.62x51 millimeter, Fully Automatic Machine Gun, serial number 003100; and

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18,
United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

LAURIE MAGID
United States Attorney